

---

# HOUSE BILL No. 1700

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-4-11-14.5; IC 4-12; IC 4-37; IC 5-1.5; IC 5-13-12-7; IC 14-8-2; IC 14-10-2-1; IC 14-20; IC 20-29; IC 36-7.6-4-3.

**Synopsis:** Consolidation of agencies. Transfers the powers and duties of the Indiana bond bank to the Indiana finance authority. Transfers the powers and duties of the Indiana tobacco use prevention and cessation executive board to the executive board of the state department of health. Establishes the department of Indiana heritage. Allows the natural resources commission to establish fees for admission to historic sites. Changes the organization and duties of the division of state museums and historic sites and the division's board of trustees. Establishes the historic site fund, and requires the admission fees and historic property sales to be deposited in the historic site fund (instead of in the museum acquisition fund). Provides that at least 51% of the fees collected from a particular historic site must be used for the educational programs conducted at the historic site and for the maintenance and operation of the historic site. Converts the Indiana education employment relations board to a division of the department of education. Requires the state personnel department and the budget agency to study the structure of the department of Indiana heritage, including whether the following entities should be transferred to the department of Indiana heritage: (1) The division of historic preservation and archeology of the department of natural resources (DNR). (2) The department of natural resources, division of museum (Continued next page)

**Effective:** July 1, 2009.

---

---

**Murphy, Barnes, Clere**

---

---

January 16, 2009, read first time and referred to Committee on Government and Regulatory Reform.

---

---

C  
o  
p  
y



and historic sites. (3) The Indiana historical bureau. (4) The Indiana state library. (5) The Indiana war memorials commission. (6) The Indiana state archives program of the commission on public records. (7) The Wabash River heritage corridor commission. Makes conforming changes. Repeals statutes concerning the organization and administration of the abolished entities.

**c  
o  
p  
y**



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1700

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-4-11-14.5, AS AMENDED BY P.L.2-2007,  
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 14.5. The authority, after consulting with the  
4 treasurer of state, ~~the Indiana bond bank~~, the budget agency, and the  
5 commission for higher education, shall establish and periodically  
6 update a state debt management plan. The plan must include at least  
7 the following provisions with respect to debt issued or to be issued by  
8 the authority, other bodies corporate and politic of the state, and state  
9 educational institutions:  
10 (1) An inventory of existing debt.  
11 (2) Projections of future debt obligations.  
12 (3) Recommended criteria for the appropriate use of debt as a  
13 means to finance capital projects.  
14 (4) Recommended strategies to minimize costs associated with  
15 debt issuance.  
16 (5) An analysis of the impact of debt issued by all bodies  
17 corporate and politic and state educational institutions on the state



C  
o  
p  
y

budget.

(6) Recommended guidelines for the prudent issuance of debt that creates a moral obligation of the state to pay all or part of the debt.

(7) Recommended policies for the investment of:

(A) proceeds of bonds, notes, or other obligations issued by bodies corporate and politic and state educational institutions; and

(B) other money, funds, and accounts owned or held by a body corporate and politic.

(8) Recommended policies for the establishment of a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the Internal Revenue Code.

(9) Recommended policies for the preparation of financial disclosure documents, including official statements accompanying debt issues, comprehensive annual financial reports, and continuing disclosure statements. The recommended policies must include a provision for approval by the budget director of any statements or reports that include a discussion of the state's economic and fiscal condition.

(10) Potential opportunities to more effectively and efficiently authorize and manage debt.

(11) Recommendations to the budget director, the governor, and the general assembly with respect to financing of capital projects.

The recommendations to the general assembly under subdivision (11) must be in an electronic format under IC 5-14-6.

SECTION 2. IC 4-12-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "executive board" refers to the ~~Indiana tobacco use prevention and cessation~~ executive board ~~created by section 4 of this chapter.~~ **of the state department of health.**

SECTION 3. IC 4-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The executive board may:

(1) employ an executive director **to carry out the purposes of this chapter;** and

(2) delegate necessary and appropriate functions and authority to the executive director.

(b) Subject to the approval of the executive board, the executive director may do the following **as necessary to carry out the purposes of this chapter:**

(1) Employ staff necessary to advise and assist the executive board as required by this chapter.

C  
o  
p  
y



(2) Fix compensation of staff according to the policies currently enforced by the budget agency and the state personnel department.

(3) Engage experts and consultants to assist the executive board.

(4) Expend funds made available to the staff according to the policies established by the budget agency.

(5) Establish policies, procedures, standards, and criteria necessary to carry out the duties of the staff of the executive board.

SECTION 4. IC 4-12-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. In addition to any other power granted by this chapter, the executive board may:

~~(1) adopt an official seal and alter the seal at its pleasure;~~

~~(2) (1) adopt rules, under IC 4-22-2, for the regulation of its affairs and the conduct of its business and prescribe policies in connection with the performance of its functions and duties under this chapter;~~

~~(3) (2) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source as necessary to accomplish the purposes of this chapter, and agree to and comply with conditions attached to that aid;~~

~~(4) (3) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter; including contracts for the provision of all or any portion of the services the executive board considers necessary for the management and operations of the executive board;~~

~~(5) recommend legislation to the governor and general assembly; and~~

~~(6) (4) do any and all acts and things necessary, proper, or convenient to carry out this article: chapter.~~

SECTION 5. IC 4-12-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A public or private entity or an individual may submit an application to the board for a grant from the account. Each application must be in writing and contain the following information:

(1) A clear objective to be achieved with the grant.

(2) A plan for implementation of the specific program.

(3) A statement of the manner in which the proposed program will

C  
o  
p  
y



1 further the goals of the ~~Indiana~~ tobacco use prevention and  
 2 cessation ~~board's~~ mission statement and long range state plan  
 3 **developed by the executive board of the state department of**  
 4 **health** under IC 4-12-4.

5 (4) The amount of the grant requested.

6 (5) An evaluation and assessment component to determine the  
 7 program's performance.

8 (6) Any other information required by the advisory board.

9 The advisory board may adopt written guidelines to establish  
 10 procedures, forms, additional evaluation criteria, and application  
 11 deadlines.

12 SECTION 6. IC 4-12-7-7 IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2009]: Sec. 7. In using money distributed under  
 14 this chapter, a local board of health shall give priority to:

15 (1) programs that share common goals with the mission statement  
 16 and long range state plan ~~established~~ **developed** by the ~~Indiana~~  
 17 ~~tobacco use prevention and cessation~~ **executive board of the state**  
 18 **department of health under IC 4-12-4;**

19 (2) preventive health measures; and

20 (3) support for community health centers that treat low income  
 21 persons and senior citizens.

22 SECTION 7. IC 4-37 IS ADDED TO THE INDIANA CODE AS A  
 23 **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JULY 1,  
 24 2009]:

25 **ARTICLE 37. DEPARTMENT OF INDIANA HERITAGE**

26 **Chapter 1. Definitions**

27 **Sec. 1. The definitions in this chapter apply throughout this**  
 28 **article.**

29 **Sec. 2. "Commissioner" refers to the commissioner of the**  
 30 **department of Indiana heritage appointed under IC 4-37-3-2.**

31 **Sec. 3. "Department" refers to the department of Indiana**  
 32 **heritage established by IC 4-37-2-1.**

33 **Sec. 4. (a) "Heritage" means all past and present manifestations**  
 34 **in Indiana of:**

35 (1) **Indiana history and folklore;**

36 (2) **Indiana architecture, engineering, landscape design, and**  
 37 **planning;**

38 (3) **physical features created or shaped by human hands that**  
 39 **have value and meaning to the people of Indiana; and**

40 (4) **surviving remains of prehistoric and historic cultures.**

41 **(b) The term includes manifestations that are:**

42 (1) **tangible or intangible;**

**C**  
**O**  
**P**  
**Y**



(2) in handwritten, printed, audiovisual, oral, or electronic form;

(3) designed and constructed or accrued over the passage of time; and

(4) located above or below ground.

## **Chapter 2. Establishment of Department of Indiana Heritage; Indiana Heritage Fund**

**Sec. 1.** The department of Indiana heritage is established.

**Sec. 2.** The department consists of the office of the commissioner.

**Sec. 3.** The purpose of the department is to:

(1) promote and facilitate the preservation, enhancement, enjoyment, and educational interpretation of the varied forms of heritage; and

(2) perform other educational functions.

**Sec. 4. (a)** The department may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the department under terms and conditions and with obligations, liabilities, and burdens that the commissioner believes are in the best interest of the department.

**(b)** The department may not assume any obligation, liability, or burden that exceeds appropriations made by law for the payment of such obligations, liabilities, and burdens.

**Sec. 5. (a)** The department of Indiana heritage fund is established as a dedicated fund to provide money for the department to carry out the duties of the department. The department shall administer the fund.

**(b)** The fund consists of the following:

(1) Appropriations to the department.

(2) Assets transferred to the department under a statute providing for the transfer of all or part of the powers and duties of another agency to the department.

(3) The proceeds from the sale of items by the department as directed by law.

(4) Gifts of money or the proceeds from the sale of gifts donated to the department.

(5) Investment earnings from any part of the fund.

**(c)** Subject to the approval of the budget agency, the department may establish additional accounts or combine existing accounts as necessary to carry out the duties of the department.

## **Chapter 3. Office of the Commissioner of the Department**

**Sec. 1.** The office of the commissioner of the department is

**C  
O  
P  
Y**



established.

**Sec. 2. The governor shall appoint the commissioner, who serves at the pleasure of the governor. The commissioner is the executive and chief administrative officer of the department.**

**Sec. 3. The commissioner is entitled to compensation in an amount to be fixed by the budget agency with the approval of the governor.**

**SECTION 8. IC 5-1.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Bank" refers to the Indiana bond bank established under ~~IC 5-1.5-2-1~~; or "Indiana bond bank" means the Indiana finance authority created by IC 4-4-11-4.**

**SECTION 9. IC 5-1.5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Board" refers to the members of the Indiana finance authority established by IC 4-4-11-4, acting as the board of directors ~~established of the Indiana bond bank under ~~IC 5-1.5-2-2~~; this article.~~**

**SECTION 10. IC 5-1.5-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This article:**

**(1) applies to the Indiana finance authority only when acting as the Indiana bond bank under this article for the purposes set forth in this article; and**

**(2) does not apply to the Indiana finance authority when acting under any other statute for any other purpose.**

**(b) On July 1, 2009, all powers, duties, and liabilities of the Indiana bond bank established by IC 5-1.5-2-1 (before its repeal) are transferred to the Indiana finance authority, as the successor agency.**

**(c) On July 1, 2009, all records and property of the Indiana bond bank established by IC 5-1.5-2-1 (before its repeal), including appropriations and other funds under the control or supervision of the entity, are transferred to the Indiana finance authority, as the successor agency.**

**(d) After June 30, 2009, any amounts owed to the Indiana bond bank established by IC 5-1.5-2-1 (before its repeal) before July 1, 2009, are considered to be owed to the Indiana finance authority, as the successor agency.**

**(e) After June 30, 2009, a reference to the Indiana bond bank in a statute, rule, or other document is considered a reference to the Indiana finance authority, as the successor agency.**

**(f) All powers, duties, and liabilities of the Indiana bond bank established by IC 5-1.5-2-1 (before its repeal) with respect to its**

**C  
o  
p  
y**





bonds issued in connection with any trust agreement or indenture securing those bonds are transferred to the Indiana finance authority, as the successor agency. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of an entity remain unchanged, although the powers, duties, and liabilities of the entity have been transferred to the Indiana finance authority, as the successor agency.

SECTION 11. IC 5-1.5-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) This section applies to a meeting of the board at which at least ~~four~~ **three (3)** members of the board are physically present at the place where the meeting is conducted.

(b) A member of the board may participate in a meeting of the board by using a means of communication that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

- (1) was physically present at the place where the meeting was conducted;
- (2) participated in the meeting by using a means of communication described in subsection (b); and
- (3) was absent.

SECTION 12. IC 5-1.5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The board shall:

- ~~(1) elect one (1) of its members vice chairman;~~
- ~~(2) (1) appoint and fix the duties and compensation of an executive director, who shall serve as both secretary and treasurer of the bank; and~~
- ~~(3) (2) establish and maintain the office of the bank in Indianapolis.~~

SECTION 13. IC 5-1.5-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The executive director appointed under ~~section 2~~ **section 3** of this chapter shall, in addition to other duties fixed by the directors, administer, manage, and direct the employees of the bank. The executive director shall approve all amounts for salaries, allowable expenses of the bank or of any employee or consultant of the bank, and expenses incidental to the

C  
o  
p  
y



operation of the bank. The executive director shall attend the meetings of the board, keep a record of the proceedings of the board, and maintain all books, documents, and papers filed with the bank, the minutes of the board, and the bank's official seal. The executive director may cause copies to be made of all minutes and other records and documents of the bank and may give certificates under seal of the bank to the effect that those copies are true copies, and all persons dealing with the bank may rely upon those certificates.

SECTION 14. IC 5-1.5-4-4, AS AMENDED BY P.L.235-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Bonds or notes of the bank must be authorized by resolution of the board, may be issued in one (1) or more series, and must:

- (1) bear the date;
- (2) mature at the time or times;
- (3) be in the denomination;
- (4) be in the form;
- (5) carry the conversion or registration privileges;
- (6) have the rank or priority;
- (7) be executed in the manner;
- (8) be payable from the sources in the medium of payment at the place inside or outside the state; and
- (9) be subject to the terms of redemption;

as the resolution of the board or the trust agreement securing the bonds or notes provides.

(b) ~~Except as provided in subsection (c);~~ Bonds or notes may be issued under this article without obtaining the consent of any agency of the state and without any other proceeding or condition other than the proceedings or conditions specified in this article.

(c) The rate or rates of interest on the bonds or notes may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution authorizing the issuance of the bonds or notes. Bonds or notes bearing a variable rate of interest may be converted to bonds or notes bearing a fixed rate or rates of interest, and bonds or notes bearing a fixed rate or rates of interest may be converted to bonds or notes bearing a variable rate of interest, to the extent and in the manner set forth in the resolution pursuant to which the bonds or notes are issued. The interest on bonds or notes may be payable semiannually or annually or at any other interval or intervals as may be provided in the resolution, or the interest may be compounded and paid at maturity or at any other times as may be specified in the resolution.

C  
o  
p  
y



(d) The bonds or notes may be made subject, at the option of the holders, to mandatory redemption by the bank at the times and under the circumstances set forth in the authorizing resolution.

~~(e) The bank may not issue bonds for qualified entities described in IC 5-1.5-1-8(5) through IC 5-1.5-1-8(7) or IC 5-1.5-1-8(11) that are subject to the volume cap (as defined in IC 4-4-11.5-14) without obtaining the prior approval of the Indiana finance authority.~~

SECTION 15. IC 5-13-12-7, AS AMENDED BY P.L.1-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The board for depositories shall manage and operate the insurance fund. All expenses incident to the administration of the fund shall be paid out of the money accumulated in it subject to the direction of the board for depositories.

(b) Effective January 1 and July 1 in each year, the board shall before those dates redetermine the amount of the reserve to be maintained by the insurance fund. The establishment or any change in the reserve for losses shall be determined by the board based on a study to be made or updated by actuaries, economists, or other consultants based on the history of losses, earnings on the funds, conditions of the depositories, economic conditions affecting particular depositories or depositories in general, and any other factors that the board considers relevant in making its determination. The reserve determined by the board must be sufficient to ensure the safekeeping and prompt payment of public funds to the extent they are not covered by insurance of any federal deposit insurance agency.

(c) At the end of each biennial period during which depositories have had public funds on deposit under this chapter and paid the assessments levied by the board, the board shall compute its receipts from assessments and all other sources and its expenses and losses and determine the profit derived from the operation of the fund for the period. Until the amount of the reserve for losses has been accumulated, all assessments levied for a biennial period shall be retained by the fund. The amount of the assessments, if any, levied by the board shall, to the extent the fund exceeds the reserve for losses at the end of a biennial period commencing July 1 of each odd-numbered year, be distributed to the depositories that had public funds on deposit during the biennial period in which the assessments were paid. The distribution shall be made to the respective depositories in the proportion that the total assessments paid by each depository during that period bears to the total assessments then paid by all depositories. A distribution to which any closed depository would otherwise be entitled shall be set off against any claim that the insurance fund may

C  
o  
p  
y



1 have against the closed depository.

2 (d) The board may invest, reinvest, and exchange investments of the  
3 insurance fund in excess of the cash working balance in any of the  
4 following:

5 (1) In bonds, notes, certificates, and other valid obligations of the  
6 United States, either directly or, subject to the limitations in  
7 subsection (e), in the form of securities of or other interests in an  
8 open-end no-load management-type investment company or  
9 investment trust registered under the provisions of the Investment  
10 Company Act of 1940, as amended (15 U.S.C. 80a et seq.).

11 (2) In bonds, notes, debentures, and other securities issued by a  
12 federal agency or a federal instrumentality and fully guaranteed  
13 by the United States either directly or, subject to the limitations  
14 in subsection (e), in the form of securities of or other interests in  
15 an open-end no-load management-type investment company or  
16 investment trust registered under the provisions of the Investment  
17 Company Act of 1940, as amended (15 U.S.C. 80a et seq.).

18 (3) In bonds, notes, certificates, and other valid obligations of a  
19 state or of an Indiana political subdivision that are issued under  
20 law, the issuers of which, for five (5) years before the date of the  
21 investment, have promptly paid the principal and interest on their  
22 bonds and other legal obligations.

23 (4) In bonds or other obligations of the Indiana finance authority  
24 issued under IC 4-13.5.

25 (5) In investments permitted the state under IC 5-13-10.5.

26 (6) In guarantees of industrial development obligations or credit  
27 enhancement obligations, or both, for the purposes of retaining  
28 and increasing employment in enterprises in Indiana, subject to  
29 the limitations and conditions set out in this subdivision,  
30 subsection (e), and section 8 of this chapter. An individual  
31 guarantee of the board under this subdivision must not exceed  
32 eight million dollars (\$8,000,000).

33 (7) In guarantees of bonds or notes issued under IC 5-1.5-4-1,  
34 subject to the limitations and conditions set out in subsection (e)  
35 and section 8 of this chapter.

36 (8) In bonds, notes, or other valid obligations of the Indiana  
37 finance authority that have been issued in conjunction with the  
38 authority's acquisition, development, or improvement of property  
39 or other interests for an industrial development project (as defined  
40 in IC 4-4-10.9-11) that the authority has undertaken for the  
41 purposes of retaining or increasing employment in existing or new  
42 enterprises in Indiana, subject to the limitations in subsection (e).

C  
o  
p  
y



(9) In notes or other debt obligations of counties, cities, and towns that have been issued under IC 6-1.1-39 for borrowings from the industrial development fund under IC 5-28-9 for purposes of retaining or increasing employment in existing or new enterprises in Indiana, subject to the limitations in subsection (e).

(10) In bonds or other obligations of the Indiana housing and community development authority.

(e) The investment authority of the board under subsection (d) is subject to the following limitations:

(1) For investments under subsection (d)(1) and (d)(2), the portfolio of an open-end no-load management-type investment company or investment trust must be limited to:

(A) direct obligations of the United States and obligations of a federal agency or a federal instrumentality that are fully guaranteed by the United States; and

(B) repurchase agreements fully collateralized by obligations described in clause (A), of which the company or trust takes delivery either directly or through an authorized custodian.

(2) Total outstanding investments in guarantees of industrial development obligations and credit enhancement obligations under subsection (d)(6) must not exceed the greater of:

(A) ten percent (10%) of the available balance of the insurance fund; or

(B) fourteen million dollars (\$14,000,000).

(3) Total outstanding investments in guarantees of bond bank obligations under subsection (d)(7) must not exceed the greater of:

(A) twenty percent (20%) of the available balance of the insurance fund; or

(B) twenty-four million dollars (\$24,000,000).

(4) **This subdivision does not apply to bond bank obligations issued or held by the Indiana finance authority in its capacity as the bond bank under IC 5-1.5.** Total outstanding investments in bonds, notes, or other obligations of the Indiana finance authority under subsection (d)(8) may not exceed the greater of:

(A) fifteen percent (15%) of the available balance of the insurance fund; or

(B) twenty million dollars (\$20,000,000).

However, after June 30, 1988, the board may not make any additional investment in bonds, notes, or other obligations of the Indiana finance authority issued under IC 4-4-11, and the board may invest an amount equal to the remainder, if any, of:

C  
o  
p  
y



(i) fifteen percent (15%) of the available balance of the insurance fund; minus

(ii) the board's total outstanding investments in bonds, notes, or other obligations of the Indiana finance authority issued under IC 4-4-11;

in guarantees of industrial development obligations or credit enhancement obligations, or both, as authorized by subsection (d)(6). In such a case, the outstanding investments, as authorized by subsection (d)(6) and (d)(8), may not exceed in total the greater of twenty-five percent (25%) of the available balance of the insurance fund or thirty-four million dollars (\$34,000,000).

(5) Total outstanding investments in notes or other debt obligations of counties, cities, and towns under subsection (d)(9) may not exceed the greater of:

(A) ten percent (10%) of the available balance of the insurance fund; or

(B) twelve million dollars (\$12,000,000).

(f) For purposes of subsection (e), the available balance of the insurance fund does not include the outstanding principal amount of any fund investment in a corporate note or obligation or the part of the fund that has been established as a reserve for losses.

(g) Except as provided in section 4 of this chapter, all interest and other income earned on investments of the insurance fund and all amounts collected by the board accrue to the fund.

(h) Members of the board and any officers or employees of the board are not subject to personal liability or accountability by reason of any investment in any of the obligations listed in subsection (d).

(i) The board shall, when directed by the state board of finance constituted by IC 4-9.1-1-1, purchase the loan made by the state board of finance under IC 4-10-18-10(i). The loan shall be purchased by the board at a purchase price equal to the total of:

(1) the principal amount of the loan;

(2) the deferred interest payable on the loan; and

(3) accrued interest to the date of purchase by the board.

Members of the board and any officers or employees of the board are not subject to personal liability or accountability by reason of the purchase of the loan under this subsection.

SECTION 16. IC 14-8-2-77, AS AMENDED BY P.L.120-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

C  
o  
p  
y



- 1 (2) For purposes of IC 14-20-1 **and IC 14-20-1.1**, the meaning set
- 2 forth in IC 14-20-1-2.
- 3 (3) For purposes of IC 14-21, the division of historic preservation
- 4 and archeology.
- 5 (4) For purposes of IC 14-22, the division of fish and wildlife.
- 6 (5) For purposes of IC 14-24, the division of entomology and
- 7 plant pathology.
- 8 (6) For purposes of IC 14-25.5, the division of water.
- 9 (7) For purposes of IC 14-31-2, the meaning set forth in
- 10 IC 14-31-2-4.
- 11 (8) For purposes of IC 14-32, the division of soil conservation of
- 12 the Indiana state department of agriculture established by
- 13 IC 15-11-4-1.
- 14 (9) For purposes of IC 14-37, the division of oil and gas.
- 15 SECTION 17. IC 14-8-2-107, AS AMENDED BY P.L.85-2008,
- 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2009]: Sec. 107. "Fund" has the following meaning:
- 18 (1) For purposes of IC 14-9-5, the meaning set forth in
- 19 IC 14-9-5-1.
- 20 (2) For purposes of IC 14-9-8-21, the meaning set forth in
- 21 IC 14-9-8-21.
- 22 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
- 23 IC 14-9-8-21.5.
- 24 (4) For purposes of IC 14-9-9, the meaning set forth in
- 25 IC 14-9-9-3.
- 26 (5) For purposes of IC 14-12-1, the meaning set forth in
- 27 IC 14-12-1-1.
- 28 (6) For purposes of IC 14-12-2, the meaning set forth in
- 29 IC 14-12-2-2.
- 30 (7) For purposes of IC 14-12-3, the meaning set forth in
- 31 IC 14-12-3-2.
- 32 (8) For purposes of IC 14-13-1, the meaning set forth in
- 33 IC 14-13-1-2.
- 34 (9) For purposes of IC 14-13-2, the meaning set forth in
- 35 IC 14-13-2-3.
- 36 (10) For purposes of IC 14-16-1, the meaning set forth in
- 37 IC 14-16-1-30.
- 38 (11) For purposes of IC 14-19-8, the meaning set forth in
- 39 IC 14-19-8-1.
- 40 (12) For purposes of IC 14-20-1, the meaning set forth in
- 41 IC 14-20-1-3.
- 42 **(13) For purposes of IC 14-20-1.1, the meaning set forth in**

C  
o  
p  
y



- 1 **IC 14-20-1.1-1.**
- 2 ~~(13)~~ **(14)** For purposes of IC 14-20-11, the meaning set forth in
- 3 IC 14-20-11-2.
- 4 ~~(14)~~ **(15)** For purposes of IC 14-21-4, the meaning set forth in
- 5 IC 14-21-4-10.
- 6 ~~(15)~~ **(16)** For purposes of IC 14-22-3, the meaning set forth in
- 7 IC 14-22-3-1.
- 8 ~~(16)~~ **(17)** For purposes of IC 14-22-4, the meaning set forth in
- 9 IC 14-22-4-1.
- 10 ~~(17)~~ **(18)** For purposes of IC 14-22-5, the meaning set forth in
- 11 IC 14-22-5-1.
- 12 ~~(18)~~ **(19)** For purposes of IC 14-22-8, the meaning set forth in
- 13 IC 14-22-8-1.
- 14 ~~(19)~~ **(20)** For purposes of IC 14-22-34, the meaning set forth in
- 15 IC 14-22-34-2.
- 16 ~~(20)~~ **(21)** For purposes of IC 14-23-3, the meaning set forth in
- 17 IC 14-23-3-1.
- 18 ~~(21)~~ **(22)** For purposes of IC 14-24-4.5, the meaning set forth in
- 19 IC 14-24-4.5-2(5).
- 20 ~~(22)~~ **(23)** For purposes of IC 14-25-2-4, the meaning set forth in
- 21 IC 14-25-2-4.
- 22 ~~(23)~~ **(24)** For purposes of IC 14-25-10, the meaning set forth in
- 23 IC 14-25-10-1.
- 24 ~~(24)~~ **(25)** For purposes of IC 14-25-11-19, the meaning set forth
- 25 in IC 14-25-11-19.
- 26 ~~(25)~~ **(26)** For purposes of IC 14-25.5, the meaning set forth in
- 27 IC 14-25.5-1-3.
- 28 ~~(26)~~ **(27)** For purposes of IC 14-28-5, the meaning set forth in
- 29 IC 14-28-5-2.
- 30 ~~(27)~~ **(28)** For purposes of IC 14-31-2, the meaning set forth in
- 31 IC 14-31-2-5.
- 32 ~~(28)~~ **(29)** For purposes of IC 14-25-12, the meaning set forth in
- 33 IC 14-25-12-1.
- 34 ~~(29)~~ **(30)** For purposes of IC 14-32-8, the meaning set forth in
- 35 IC 14-32-8-1.
- 36 ~~(30)~~ **(31)** For purposes of IC 14-33-14, the meaning set forth in
- 37 IC 14-33-14-3.
- 38 ~~(31)~~ **(32)** For purposes of IC 14-33-21, the meaning set forth in
- 39 IC 14-33-21-1.
- 40 ~~(32)~~ **(33)** For purposes of IC 14-34-6-15, the meaning set forth in
- 41 IC 14-34-6-15.
- 42 ~~(33)~~ **(34)** For purposes of IC 14-34-14, the meaning set forth in

C  
o  
p  
y





1 IC 14-34-14-1.

2 ~~(34)~~ (35) For purposes of IC 14-37-10, the meaning set forth in  
3 IC 14-37-10-1.

4 SECTION 18. IC 14-10-2-1, AS AMENDED BY P.L.246-2005,  
5 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2009]: Sec. 1. The commission may do the  
7 following:

8 (1) Take the action that is necessary to enable the state to  
9 participate in the programs set forth in 16 U.S.C. 470 et seq.

10 (2) Promulgate and maintain a state register of districts, sites,  
11 buildings, structures, and objects significant in American or  
12 Indiana history, architecture, archeology, and culture and expend  
13 money for the purpose of preparing comprehensive statewide  
14 historic surveys and plans, in accordance with criteria established  
15 by the commission, that comply with the standards and  
16 regulations promulgated by the United States Secretary of the  
17 Interior for the preservation, acquisition, and development of the  
18 properties.

19 (3) Establish in accordance with criteria established by the United  
20 States Secretary of the Interior a program of matching  
21 grants-in-aid to public agencies for projects having as their  
22 purpose the preservation for public benefit of properties that are  
23 significant in American or Indiana history, architecture,  
24 archeology, and culture.

25 (4) Accept grants from public and private sources, including those  
26 provided under 16 U.S.C. 470 et seq.

27 (5) Establish fees for the following:

28 (A) Programs of the department or the commission.

29 (B) **Subject to clause (E)**, facilities owned or operated by the  
30 department or the commission or a lessee of the department or  
31 commission.

32 (C) Licenses issued by the commission, the department, or the  
33 director.

34 (D) Inspections or other similar services under this title  
35 performed by the department or an assistant or employee of  
36 the department.

37 **(E) Admission to historic sites owned or operated by the**  
38 **department or the commission or a lessee of the**  
39 **department or commission.**

40 (6) Adopt rules under IC 4-22-2 for the establishment of fees  
41 under subdivision (5).

42 SECTION 19. IC 14-20-1-9 IS AMENDED TO READ AS

C  
o  
p  
y



FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

**(7) Make and execute contracts or other instruments that are necessary or convenient to exercise the division's duties and powers.**

**(8) Establish and collect admission charges, fees, rent, and other user fees for the following:**

**(A) The state museum and historic sites.**

**(B) Restaurants and other facilities located at the state museum or historic sites.**

**(C) Programs, lectures, classes, tours, and trips provided at the state museum or historic sites.**

**(9) Employ or contract with a person to manage or operate any aspect of the state museum or historic sites.**

**(10) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.**

**(11) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.**

**(12) Own and enforce the division's copyrights, trademarks, and service marks.**

**(13) Notwithstanding IC 5-22-22, under policies adopted by the division, sell, donate, or exchange artifacts in the division's collection to or with a public or nonprofit museum or historical society.**

C  
o  
p  
y



SECTION 20. IC 14-20-1-16, AS AMENDED BY P.L.66-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) ~~One (1) member~~ **Three (3) members** of the Indiana State Museum Foundation, Inc., nominated by the foundation.

(B) Two (2) members must be recognized supporters of historic sites, **nominated by a recognized supporter of historic sites.**

(C) Not more than seven (7) members may be members of the same political party.

~~(D) Not more than two (2) members may be from the same county.~~

~~(E) Each congressional district in Indiana must be represented by at least one (1) member.~~

(c) The terms of the appointed members shall be staggered.

**(d) The governor shall make appointments under subsection (b) in a manner to achieve diversity and geographic balance among the trustees.**

SECTION 21. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. The trustees shall do the following:

~~(1) Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.~~

~~(2) Recommend, when appropriate, the dismissal of a division director.~~

~~(3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.~~

~~(4) (1) Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.~~

~~(5) (2) Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.~~

C  
o  
p  
y



~~(6)~~ (3) Review, guide, and assist in the development of statewide outreach programs.

~~(7)~~ (4) Review, guide, and assist in the development of professionalism of the staff and operations.

~~(8)~~ (5) Review, recommend, and devise methods to enable the division to do the following:

~~(1)~~ (A) Increase the division's physical plant.

~~(2)~~ (B) Expand the educational areas.

~~(3)~~ (C) Meet storage needs.

~~(9)~~ (6) Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.

~~(10)~~ (7) Recommend policies, procedures, and practices that the commission, the director, and the secretary shall consider.

~~(11)~~ (8) Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.

~~(12)~~ (9) Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.

~~(13)~~ (10) Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.

~~(14)~~ (11) Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

~~(15)~~ (12) Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

~~(16)~~ (13) Promote the welfare of the division.

~~(17)~~ (14) Make recommendations concerning the administration of the fund established by section 24 of this chapter.

SECTION 22. IC 14-20-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) The state museum acquisition fund is established. The division shall administer the fund.

(b) The following shall be deposited in the fund:

(1) Gifts of money to the fund or the proceeds from the sale of gifts donated to the fund.

(2) The proceeds from sales ~~or leases~~ under ~~section 23~~ **section 23(c)** of this chapter.

(c) The treasurer of state shall invest the money in the fund not

C  
o  
p  
y



currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The division may, on recommendation of the trustees, purchase with money in the fund objects for the state museum collection. All money accruing to the fund is appropriated continuously for this purpose.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 14-20-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 1.1. Historic Site Fund**

**Sec. 1. As used in this chapter, "fund" refers to the historic site fund established as a dedicated fund by section 2 of this chapter.**

**Sec. 2. (a) The historic site fund is established as a dedicated fund to provide funding for educational programs and the operation of historic sites. The fund shall be administered by the division.**

**(b) The expenses of administering the fund shall be paid from money in the fund.**

**(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.**

**(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**Sec. 3. (a) Fees collected under IC 14-10-2-1(5)(E) and proceeds from sales and leases under IC 14-20-1-23(b) shall be deposited in the fund.**

**(b) At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5)(E) from a particular historic site must be used for:**

- (1) educational programs conducted at the historic site; and**
- (2) the maintenance and operation of the historic site.**

SECTION 24. IC 20-29-2-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. "Division" refers to the division of education employment relations established within the department by IC 20-29-3-1.**

SECTION 25. IC 20-29-2-9, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. "Exclusive representative" means the:**

C  
o  
p  
y



(1) school employee organization that has been:

(A) certified for purposes of this article by the ~~board~~; **division**;  
or

(B) recognized by a school employer as the exclusive representative of the employees in an appropriate unit; under IC 20-29-5-1 through IC 20-29-5-5; or

(2) person or persons authorized to act on behalf of a representative described in subdivision (1).

SECTION 26. IC 20-29-3-1, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The ~~Indiana division of~~ education employment relations ~~board~~ is established **within the department to carry out the purposes of this article.**

(b) **The Indiana education employment relations board is abolished on July 1, 2009. The following are transferred on July 1, 2009, from the Indiana education employment relations board to the division:**

(1) All real and personal property of the Indiana education employment relations board.

(2) All powers, duties, assets, and liabilities of the Indiana education employment relations board.

(3) All appropriations to the Indiana education employment relations board.

(c) Rules that were adopted by the Indiana education employment relations board before July 1, 2009, shall be treated as though the rules were adopted by the division.

(d) After June 30, 2009, a reference to the Indiana education employment relations board in a statute or rule shall be treated as a reference to the division.

(e) Proceedings pending before the Indiana education employment relations board on July 1, 2009, shall be transferred from the Indiana education employment relations board to the division.

SECTION 27. IC 20-29-3-6, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. ~~Members~~ **Staff and attorneys appointed by the division under section 11 of this chapter** may not:

(1) hold:

(A) ~~another~~ a public office; or

(B) **other** employment by the state, a public agency, or a public employer;

(2) be an officer or employee of a school employee organization

C  
o  
p  
y



or any affiliate of an organization; or

(3) represent a:

(A) school employer; or

(B) school employee organization, or an organization's affiliates.

SECTION 28. IC 20-29-3-11, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The **board division** has the following powers:

~~(1) To adopt an official seat and prescribe the purposes for which the seat may be used.~~

~~(2) (1)~~ To hold hearings and make inquiries as the **board division** considers necessary to carry out properly the **board's division's** functions and powers.

~~(3) To establish a principal office in Indianapolis.~~

~~(4) (2)~~ To meet and exercise the **board's division's** powers at any other place in Indiana.

~~(5) (3)~~ To conduct in any part of Indiana a proceeding, a hearing, an investigation, an inquiry, or an election necessary to the performance of the **board's division's** functions. For this purpose, the **board division** may designate ~~one (1) member~~; **an employee of the division**, or an agent or agents, as hearing examiners. The **board division** may use voluntary and uncompensated services as needed.

~~(6) (4)~~ **Subject to the approval of the state board and the budget agency**, to appoint staff and attorneys as the **board division** finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the **board division**, appear for and represent the **board division** in court.

~~(7) (5)~~ To pay the reasonable and necessary traveling and other expenses of an employee ~~a member~~; or an agent of the **board division**.

~~(8) (6)~~ To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the **board division**, shall issue an order requiring the person to:

(A) appear before the **board division**; and

(B) produce evidence about the matter under investigation.

C  
o  
p  
y



A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the **board division** issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

~~(9)~~ **(7) Subject to the approval of the state board,** to adopt, amend, or rescind rules the **board division** considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

~~(10)~~ **(8)** To request from any public agency the assistance, services, and data that will enable the **board division** properly to carry out the **board's division's** functions and powers.

~~(11)~~ **(9)** To publish and report in full an opinion in every case decided by the **board division**.

SECTION 29. IC 20-29-3-12, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The **board division** shall organize the **board's division's** staff to provide for the functions of:

- (1) unit determination;
- (2) unfair labor practice processing;
- (3) conciliation and mediation;
- (4) factfinding; and
- (5) research.

SECTION 30. IC 20-29-3-13, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. In connection with conciliation and mediation or factfinding, the **board division** may:

- (1) use full-time employees; or
- (2) appoint employees for specific cases from a panel the **board division** establishes.

SECTION 31. IC 20-29-3-14, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The **board's division's** research division must be organized to provide:

- (1) statistical data on the resources of each school corporation;
- (2) the substance of any agreements reached by each school corporation; and
- (3) other relevant data.

SECTION 32. IC 20-29-5-1, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The exclusive representative shall serve for school employees within certain groups referred to in this chapter as units or bargaining units. A bargaining unit may not contain both

C  
o  
p  
y





certificated and noncertificated employees. Subject to this limitation, the units for which an exclusive representative serves are determined in accordance with subsections (b) through (d).

(b) The parties may agree on the appropriate unit. For this purpose, the parties consist of the school employer and a school employee organization representing at least twenty percent (20%) of the school employees in a proposed unit.

(c) If the parties do not reach an agreement on the appropriate unit, or if a school employee in the proposed unit files a complaint about the unit with the ~~board~~, **division**, the ~~board~~ **division** shall determine the proper unit after a hearing. The ~~board's~~ **division's** decision must be based on but not limited to the following considerations:

- (1) Efficient administration of school operations.
- (2) The existence of a community of interest among school employees.
- (3) The effects on the school corporation and school employees of fragmentation of units.
- (4) Recommendations of the parties involved.

(d) In making a determination under subsection (c), the ~~board~~ **division** shall give notice to all interested parties in accordance with the rules of the ~~board~~, **division**. In giving notice under this subsection, the ~~board~~ **division** is not required to follow IC 4-21.5.

SECTION 33. IC 20-29-5-2, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A school employer may recognize as the exclusive representative of the school employer's employees within an appropriate unit a school employee organization that presents to the employer evidence of the school employee organization's representation of a majority of the school employees within the unit, unless:

- (1) another school employee organization representing twenty percent (20%) of the school employees within the unit files written objections to the recognition; or
- (2) a school employee files a complaint to the composition of the unit with the school employer or the ~~board~~ **division** within the notice period set forth in this section.

(b) Before recognizing an exclusive representative under this section, the school employer shall post a written public notice of the school employer's intention to recognize the school employee organization as exclusive representative of the school employees within the unit. The notice must be posted, for thirty (30) calendar days immediately preceding recognition, in each of the buildings where the

C  
o  
p  
y



1 school employees in any unit principally work.

2 SECTION 34. IC 20-29-5-3, AS AMENDED BY P.L.1-2006,  
3 SECTION 333, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) If an exclusive school  
5 employee organization is not determined under section 2 of this  
6 chapter, the determination of whether a school employee organization  
7 shall be the exclusive representative shall be determined under this  
8 section.

9 (b) A school employee organization may file a petition asserting  
10 that:

11 (1) twenty percent (20%) of the employees in an appropriate unit  
12 wish to be represented for collective bargaining by the school  
13 employee organization as exclusive representative; or

14 (2) the designated exclusive representative is no longer the  
15 representative of the majority of school employees in the unit.

16 (c) The school employer may file a petition asserting:

17 (1) that one (1) or more school employee organizations have  
18 presented to the school employer a claim to be recognized as the  
19 exclusive representative in an appropriate unit; or

20 (2) that the school employer has good faith doubt that the  
21 previously certified school employee organization represents a  
22 majority of employees in the bargaining unit.

23 (d) Twenty percent (20%) of the school employees in a unit may file  
24 a petition asserting that the designated exclusive representative is no  
25 longer the representative of the majority of school employees in the  
26 unit.

27 (e) The **board division** shall investigate a petition filed under  
28 subsection (b), (c), or (d). If the **board division** has reasonable cause to  
29 believe that a question exists as to whether the designated exclusive  
30 representative or any school employee organization represents a  
31 majority of the school employees in a unit, the **board division** shall  
32 provide for an appropriate hearing within thirty (30) days. In holding  
33 a hearing, the **board division** is not required to comply with IC 4-21.5.

34 (f) If the **board division** finds, based on the record of a hearing held  
35 under subsection (e), that a question of representation exists, the **board**  
36 **division** shall direct an election by secret ballot in a unit the **board**  
37 **division** determines to be appropriate.

38 (g) Certification as the exclusive representative may be granted only  
39 to a school employee organization that has been selected in a secret  
40 ballot election under subsection (f), by a majority of all the employees  
41 in an appropriate unit as their representative.

42 (h) An election described in subsection (f) may not be held in a

C  
o  
p  
y



bargaining unit if a valid election has been held in the preceding twenty-four (24) month period.

SECTION 35. IC 20-29-5-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. In any election under this chapter, the **board division** shall:

- (1) determine who is eligible to vote in the election; and
- (2) establish rules governing the election.

SECTION 36. IC 20-29-5-5, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The ballot in an election under this chapter must contain the following:

- (1) The name of the petitioning school employee organization.
- (2) The names of any other school employee organization showing written evidence satisfactory to the **board division** of at least twenty percent (20%) representation of the school employees within the unit.
- (3) A provision for choosing "No representation by a school employee organization."

SECTION 37. IC 20-29-6-13, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. At any time after the one hundred eighty (180) days described in section 12 of this chapter has begun, the **board division** shall appoint a mediator if either party declares an impasse either:

- (1) in the scope of the items that are to be bargained collectively; or
- (2) on the substance of any item to be bargained collectively.

If after five (5) days the mediator is unsuccessful in finding a solution to the problems or in causing the parties to reach agreement, either party may request the **board division** to initiate factfinding on the items that the parties are obligated to bargain collectively.

SECTION 38. IC 20-29-6-14, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. If an agreement has not been reached on the items to be bargained collectively seventy-five (75) days before the submission date of a budget by a school employer, the **board division** shall initiate mediation.

SECTION 39. IC 20-29-6-15, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. If an agreement has not been reached on the items to be bargained collectively forty-five (45) days before the

C  
o  
p  
y



1 submission date of a budget by a school employer, the ~~board~~ **division**  
2 shall initiate factfinding.

3 SECTION 40. IC 20-29-7-4, AS ADDED BY P.L.1-2005,  
4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2009]: Sec. 4. (a) Unfair practices are remediable under this  
6 section.

7 (b) A school employer or a school employee who believes the  
8 employer or employee is aggrieved by an unfair practice may file a  
9 complaint under oath:

10 (1) setting out a summary of the facts involved; and

11 (2) specifying the section or sections of this article alleged to have  
12 been violated.

13 (c) The ~~board~~ **division** shall:

14 (1) give notice to the person or school employee organization  
15 against whom the complaint is directed; and

16 (2) determine the matter raised in the complaint.

17 (d) Appeals may be taken under IC 4-21.5-3.

18 (e) A hearing examiner or agent of the ~~board, who may be a member~~  
19 ~~of the board,~~ **division** may:

20 (1) take testimony; and

21 (2) make findings and conclusions.

22 (f) The **state** board, but not a hearing examiner or agent of the  
23 ~~board,~~ **division,** may enter the interlocutory orders, after summary  
24 hearing, **recommended by the board considers division as** necessary  
25 in carrying out the intent of this chapter.

26 SECTION 41. IC 20-29-8-2, AS ADDED BY P.L.1-2005,  
27 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2009]: Sec. 2. The ~~board division,~~ **subject to the approval of**  
29 **the state board and the budget agency,** shall establish and hire a:

30 (1) permanent staff of mediators; and

31 (2) panel of part-time mediators.

32 SECTION 42. IC 20-29-8-3, AS ADDED BY P.L.1-2005,  
33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2009]: Sec. 3. When a mediator is requested or required under  
35 IC 20-29-6, the ~~board division~~ shall appoint a mediator from the staff  
36 or panel established under section 2 of this chapter.

37 SECTION 43. IC 20-29-8-6, AS ADDED BY P.L.1-2005,  
38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2009]: Sec. 6. (a) The ~~board division,~~ **subject to the**  
40 **approval of the state board and the budget agency,** shall establish  
41 and hire a:

42 (1) permanent staff of factfinders; and

C  
o  
p  
y



(2) panel of part-time factfinders.

(b) The persons described in subsection (a) may also be mediators.

SECTION 44. IC 20-29-8-7, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the ~~board~~ **division** shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder may restrict the factfinder's findings to those issues that the factfinder determines significant.

(d) The factfinder may use evidence furnished to the factfinder by:

(1) the parties;

~~(2) the board;~~

~~(3) (2) the board's division's~~ staff; or

~~(4) (3)~~ any other state agency.

(e) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(f) The factfinder shall:

(1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and

(2) deliver the findings to the parties and to the ~~board;~~ **division**.

(g) The ~~board,~~ **division**, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

(1) the report; or

(2) the ~~board's~~ **division's** own possession.

(h) At any time within five (5) days after the findings and recommendations are delivered to the ~~board;~~ **division**, the ~~board~~ **division** may make the findings and recommendations of the factfinder and the ~~board's~~ **division's** additional findings and recommendations, if any, available to the public through news media and other means the ~~board~~ **division** considers effective.

(i) The ~~board~~ **division** shall make the findings and recommendations described in subsection (h) available to the public not later than ten (10) days after the findings and recommendations are delivered to the ~~board;~~ **division**.

SECTION 45. IC 20-29-8-9, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The school employer and the exclusive representative may also at any time submit any issue in dispute to final and binding arbitration to an arbitrator appointed by the ~~board;~~

C  
o  
p  
y



**division.** The award in the arbitration constitutes the final contract between the parties for the issue.

SECTION 46. IC 20-29-8-12, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The ~~board~~ **division** shall pay the following:

(1) The compensation and expenses of any mediator or factfinder.

(2) The cost of an arbitrator, which shall be reimbursed equally by the two (2) parties under procedures for collection and payment established by the ~~board~~ **division**.

SECTION 47. IC 20-29-8-13, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The investigation, hearing, and findings of the factfinder must be:

(1) made as expeditiously as the circumstances allow; and

(2) delivered to the parties and to the ~~board~~ **division**.

(b) The ~~board~~ **division**, after receiving the findings and recommendations under subsection (a), may make additional findings and recommendations to the parties based upon information in the report or in the ~~board's division's~~ possession.

(c) The ~~board~~ **division**:

(1) may, at any time within five (5) days; and

(2) shall, within ten (10) days;

after receiving the findings and recommendations delivered under subsection (a), make the findings and recommendations of the factfinder and the ~~board's division's~~ additional findings and recommendations, if any, available to the public through the news media and any other means.

SECTION 48. IC 20-29-8-14, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. If a school employer issues tentative individual contracts, the ~~board~~ **division** shall provide for further mediation and factfinding until an agreement is reached.

SECTION 49. IC 36-7.6-4-3, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Subject to subsection (h), a development authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or

C  
o  
p  
y



- 1 (3) funding or refunding bonds issued under this chapter,  
 2 IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law.
- 3 (b) The bonds are payable solely from:
- 4 (1) the lease rentals from the lease of the projects for which the  
 5 bonds were issued, insurance proceeds, and any other funds  
 6 pledged or available; and
- 7 (2) except as otherwise provided by law, revenue received by the  
 8 development authority and amounts deposited in the development  
 9 authority fund.
- 10 (c) The bonds must be authorized by a resolution of the  
 11 development board of the development authority that issues the bonds.
- 12 (d) The terms and form of the bonds must either be set out in the  
 13 resolution or in a form of trust indenture approved by the resolution.
- 14 (e) The bonds must mature within forty (40) years.
- 15 (f) A development board shall sell the bonds only to the Indiana  
 16 bond bank established by ~~IC 5-1.5-2-1~~ **under IC 5-1.5** upon the terms  
 17 determined by the development board and the Indiana bond bank.
- 18 (g) All money received from any bonds issued under this chapter  
 19 shall be applied solely to the payment of the cost of acquiring,  
 20 constructing, improving, reconstructing, or renovating one (1) or more  
 21 projects, or the cost of refunding or refinancing outstanding bonds, for  
 22 which the bonds are issued. The cost may include:
- 23 (1) planning and development of equipment or a facility and all  
 24 buildings, facilities, structures, equipment, and improvements  
 25 related to the facility;
- 26 (2) acquisition of a site and clearing and preparing the site for  
 27 construction;
- 28 (3) equipment, facilities, structures, and improvements that are  
 29 necessary or desirable to make the project suitable for use and  
 30 operations;
- 31 (4) architectural, engineering, consultant, and attorney's fees;
- 32 (5) incidental expenses in connection with the issuance and sale  
 33 of bonds;
- 34 (6) reserves for principal and interest;
- 35 (7) interest during construction;
- 36 (8) financial advisory fees;
- 37 (9) insurance during construction;
- 38 (10) municipal bond insurance, debt service reserve insurance,  
 39 letters of credit, or other credit enhancement; and
- 40 (11) in the case of refunding or refinancing, payment of the  
 41 principal of, redemption premiums (if any) for, and interest on the  
 42 bonds being refunded or refinanced.

C  
o  
p  
y



(h) A development authority may not issue bonds under this article unless the development authority first finds that each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.

SECTION 50. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 4-12-4-4; IC 4-12-4-5; IC 4-12-4-7; IC 4-12-4-8; IC 4-12-4-15; IC 5-1.5-2-1; IC 5-1.5-2-2; IC 5-1.5-2-4; IC 5-1.5-2-5; IC 5-1.5-2-6; IC 20-29-2-3; IC 20-29-3-2; IC 20-29-3-3; IC 20-29-3-4; IC 20-29-3-5; IC 20-29-3-8; IC 20-29-3-9; IC 20-29-3-10.

SECTION 51. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "department" refers to the department of Indiana heritage established by IC 4-37-2-1, as added by this act.

(b) As used in this SECTION, "state agencies" means the following:

- (1) The department of natural resources, division of historic preservation and archeology.
- (2) The department of natural resources, division of museum and historic sites.
- (3) The Indiana historical bureau.
- (4) The Indiana state library.
- (5) The Indiana war memorials commission.
- (6) The Indiana state archives program of the commission on public records.
- (7) The Wabash River heritage corridor commission.

(c) The state personnel department and the budget agency shall do the following:

- (1) Examine the organizational structure, statutory duties, and existing functions of the state agencies.
- (2) Recommend the proposed organizational structure of the department.
- (3) Recommend existing state agencies to be transferred to the department.
- (4) Recommend the proposed organizational structure of boards and commissions at the existing state agencies and the department.
- (5) Determine the fiscal impact of the recommendations made under this subsection.

(d) The state personnel department and the budget agency shall prepare a report setting forth the findings and recommendations made under subsection (c). The report must be delivered to the

C  
o  
p  
y





1 governor and the legislative council before October 1, 2009. The  
 2 report delivered to the legislative council must be in an electronic  
 3 format under IC 5-14-6.  
 4 (e) This SECTION expires December 31, 2009.

**C  
o  
p  
y**

